

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

IN RE NII HOLDINGS, INC.
SECURITIES LITIGATION

Case No. 1:14-cv-00227-LMB-JFA

PLAINTIFFS' UNOPPOSED REQUEST FOR STATUS CONFERENCE

Lead Plaintiffs Danica Pension, Livsforsikringsaktieselskab, Industriens
Pensionsforsikring A/S, Pension Trust Fund for Operating Engineers Pension Plan, IBEW Local
No. 58 / SMC NECA Funds, and Jacksonville Police & Fire Pension Fund, and additional
plaintiff TOBAM, SAS (collectively, "Plaintiffs") respectfully request that the Court schedule a
status conference to address the issues outlined below.

On September 15, 2014, NII Holdings, Inc., the corporate defendant in this matter, and
several related corporate entities filed voluntary petitions for relief under Chapter 11 of title 11
of the United State Code (the "Bankruptcy Code") in the U.S. Bankruptcy Court for the Southern
District of New York (the "Bankruptcy Court"). Shortly thereafter, on September 18, 2014,
NII Holdings, Inc. filed a Notice of Suggestion of Bankruptcy in this Court (ECF 145) and this
Court subsequently stayed all proceedings against this defendant (ECF 146).

On October 8, 2014, this Court entered an Order denying the Individual Defendants'¹
Motion to Dismiss the Second Amended Complaint. This Court has not yet entered an initial
scheduling Order; therefore, discovery has not yet commenced.

On October 23, 2014, the Debtors and Debtors in Possession (including NII Holdings,
Inc.) made a motion in the Bankruptcy Court requesting that court to exercise its discretion under

¹ "Individual Defendants" refers to defendants Steven P. Dussek, Steven M. Shindler, and
Gokul Hemmady.

Section 105(a) of the Bankruptcy Code (11 U.S.C. § 105(a)) to extend the automatic stay granted under section 362(a) of the Bankruptcy Code (11 U.S.C. § 362(a)) to the prosecution of the claims in this case against the Individual Defendants (“Debtors’ Motion To Extend The Automatic Stay” or “Motion”). For the Court’s convenience, the Motion is attached hereto as Exhibit 1. In a nutshell, the Debtors argue that extending the automatic stay to the prosecution of the claims against the non-debtor individual defendants in this case is necessary to avoid the alleged distraction to the individual defendants from defending against the claims brought by Plaintiffs and the alleged expense to the Debtors of engaging in discovery.

Plaintiffs intend to oppose the Debtors’ Motion To Extend The Automatic Stay. Under the current briefing schedule, Plaintiffs will file their opposition brief on November 6, 2014. In addition, Plaintiffs have propounded some initial informal discovery requests to the Debtors, seeking discovery that is relevant to their opposition to the Motion. Plaintiffs intend to seek additional discovery in the Bankruptcy Court with respect to the Motion.

The Debtors’ Motion to Extend The Automatic Stay is scheduled for hearing on November 13, 2014. If the Bankruptcy Court grants that Motion, that order would effectively preclude prosecution of this case in all respects.

In light of the pendency of the Debtors’ Motion To Extend The Automatic Stay, Plaintiffs request that this Court schedule a Status Conference as soon as possible to assess the impact of that Motion and the Chapter 11 filing upon the proceedings here, including the possible need for delaying the issuance of the Court’s initial scheduling Order and the Rule 16(b) Conference. The Individual Defendants do not oppose Plaintiffs’ Request.

Respectfully submitted,

Dated: October 28, 2014

By: /s/ Susan R. Podolsky

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CERTIFICATE OF SERVICE

I hereby certify that on October 28, 2014, a copy of the foregoing JOINT REQUEST FOR STATUS CONFERENCE was filed electronically via ECF. Notice of this filing will be sent by e-mail to all parties by operation of the court's electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the court's CM/ECF System.

/s/ Susan R. Podolsky